The conferees appearing before the Committee were:

Staff present:

Art Griggs - Revisor of Statutes Jerry Stephens - Legislative Research Department Wayne Morris - Legislative Research Department

Senate Bill No. 171 - Optional statewide district attorney plan. The chairman reviewed proposed amendments. Mr. Griggs explained the amendments contained in the ballooned copy. Senator Hein moved the adoption of the amendments in the ballooned copy and also to amend the bill for the phasing in provisions and to include the director of personnel in the attorney general's office; Senator Hess seconded the motion. During committee discussion that followed, Senator Hess explained the fiscal note to the state is 3.1 million dollars, and with the phasing provisions, 20% of that would be added each year over five years. Senator Hein pointed out that there would be a shift of 2.7 million dollars from local units to the state once the phase in was fully completed. The motion carried. Senator Parrish moved to amend the bill to provide that there could be an election every four years upon petition of 5% of the registered voters in the judicial district, with the question to be placed on the ballot in the middle of the four year term; Senator Hein seconded the motion if the motion would also include the provision that those counties who defeat the proposition in 1980 have the option of voting again in 1982 and every four years thereafter; Senator agreed to that modification; following committee discussion, the motion carried. Senator Hein moved to amend line 36 to refer to Douglas County; Senator Hess seconded the motion, and the motion carried. Senator Berman moved to amend Section 3 to provide that in the case of office vacancy, the vacancy would be filled in the same manner as legislative offices, and that the bill should also provide that a vacancy in the office of county attorney would be filled in the same manner as legislative vacancies are filled; Senator Parrish seconded the motion, and the motion carried. Senator Hein moved to change the word "show" to "showing"; Senator Hess seconded the motion, and the motion carried. There was committee discussion concerning the

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manner in which expenses are allocated as provided in Section 6. Senator Gaines moved to report the bill favorably as amended; Senator Hess seconded the motion. Following further committee discussion, the motion carried.

Senator Berman moved to introduce a committee bill to be referred to the Ways and Means Committee concerning the filling of vacancies in the office of sheriff to provide that a vacancy be filled in the same manner as a legislative vacancy; Senator Steineger seconded the motion, and the motion carried.

Proposed Substitute Senate Bill No. 76 - Enacting a tort claims act applicable to the state and local units of government. The chairman reviewed the major policy decision that had been made in the bill at yesterday's meeting, and explained the special printing arrangements that had been made for the proposed substitute bill. Committee discussion followed concerning provisions of the proposed substitute bill.

Senate Bill No. 256 - Workmen's compensation, relating to payment of attorneys' fees. Senator Gaines moved that the bill be reported unfavorably; Senator Werts seconded the motion. Following committee discussion, the motion failed on a vote of three in favor to seven opposed. Senator Berman moved/amend the bill relating to the refusal of an employer to pay compensation after adjudication of a claim. Committee discussion followed. The motion died for want of a second. Senator Gaines moved to insert "and insurance carrier" after the word "employer" and to insert after the word "refused" the words "in bad faith"; Senator Steineger seconded the motion. Senator Burke made a substitute motion to substitute the word "insurance carrier" for the word "employer" and to provide that it would be paid by the employer in case of the employer being selfinsured. Senator Steineger seconded the motion, and the motion carried. Senator Berman moved to report the bill favorably as amended; Senator Mulich seconded the motion, and the motion carried.

Senate Bill No. 302 - Attorneys practicing in municipal court. Following committee discussion, senator Gaines moved to amend the bill to provide that the ability to appear in municipal court would only apply to those serving in volunteer advisory capacity; Senator Parrish seconded the motion, and the motion carried. Following further committee discussion during which it was pointed out that this seemed to be a problem because of the interpretation of the conflict of interest law issued by the City of Wichita law department, it was the concensus of the committee that no further action would be taken on the bill until the authors of the bill had the opportunity to discuss the matter with the attorney general's office.

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Senate Bill No. 328 - Laboratories; M.D.'s prohibited from owning. Following committee discussion, Senator Gaines moved to report the bill adversely; Senator Hess seconded the motion. Senator Allegrucci made a substitute motion to amend the bill by including pharmacies; Senator Berman seconded the motion, and following further committee discussion, the motion carried. It was agreed that further action on the bill would be deferred until the amendatory language had been drafted by the staff and brought back to the committee.

<u>Senate Bill No. 309 - State game protectors, powers of peace officers.</u> Following committee discussion, Senator Gaines moved to report the bill adversely; Senator Berman seconded the motion, and the motion carried.

The meeting adjourned.

These minutes were read and approved by the committee on $\frac{4}{-25-19}$.